

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 2445 - HB 2677

February 16, 2022

SUMMARY OF BILL: Creates a Class E felony offense for an employer to influence or attempt to influence by means of coercion, a public servant employee in the performance of their official duties as a public servant. Expands the definition of public servant to include a nominee, member, representative, or other holder of a position on a board, commission, or public body of the state or a political subdivision thereof. Creates a cause of action for unlawful discharge of an employee who is a public servant.

FISCAL IMPACT:

Increase State Expenditures – \$1,200 Incarceration

Assumptions:

- The proposed legislation specifies that an employer commits an offense who by means of coercion, influences or attempts to influence an employee who is a public servant:
 - In the exercise of the employee's power in the performance of their official duties as a public servant,
 - To vote or not to vote in a particular manner; or
 - To resign as a public servant, unnecessarily recuse themselves from a public body, or otherwise not exercise the public servant's official power in the performance of their official duties with the intent to influence the action or inaction of a public body.
- The proposed legislation will result in one Class E felony admission every ten years.
- The average time served for a Class E felony is 0.66 years.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.74 percent per year for each of the past 10 years (from 2010 to 2020).
- The weighted average operational costs per day are estimated to be \$51.36 for inmates housed at state facilities and \$48.77 for inmates housed at local facilities.
- The estimated increase in incarceration costs are estimated to be the following over the next ten-year period:

Increase in State Expenditures	
Amount	Fiscal Year
\$ 1,200	FY22-23
\$ 1,200	FY23-24
\$ 1,200	FY24-25
\$ 1,200	FY25-26
\$ 1,200	FY26-27
\$ 1,200	FY27-28
\$ 1,200	FY28-29
\$ 1,200	FY29-30
\$ 1,200	FY30-31
\$ 1,200	FY31-32

- Pursuant to Tenn. Code Ann. § 9-4-210, recurring costs increases are to be estimated on the highest of the next ten fiscal years; therefore, the recurring increase in incarceration costs will be \$1,200.
- The estimated fiscal impact of the proposed legislation does not consider the availability of beds in state and local facilities, but is based solely on the current operating costs of state facilities and the reimbursement rates for local facilities as is required by Tenn. Code Ann. § 9-4-210.
- All calculations used in completion of this fiscal note are available upon request.
- Creating a cause of action for unlawful discharge of an employee who is a public servant will not significantly impact state or local government operations. Any fiscal impact will be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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